



Town of Loxahatchee Groves

Special Town Council Meeting

Tuesday, December 18, 2018 at 5:00 p.m.
Town of Loxahatchee Groves Town Hall
155 F Road, Loxahatchee Groves, Florida 33470

MINUTES

1. OPENING OF PUBLIC MEETING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 5:00 pm. Present were Mayor David Browning, Vice Mayor Todd McLendon, Council Members David DeMarois, Phillis Maniglia, and Anita Kane. Also present were Town Manager William Underwood, Town Attorney Michael Cirullo, and Acting Town Clerk Perla Underwood.

b. Approval of Agenda

Motion: a motion was made by Council Member Kane, and seconded by Council Member DeMarois to approve the Agenda. Motion passed, 5/0.

2. PUBLIC HEARINGS

1. Final Reading of Ordinance No. 2018-14 Relative to Special Election to fill vacancy for balance of Term of Seat 3.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SCHEDULING A SPECIAL ELECTION TO FILL THE REMAINING TERM FOR TOWN COUNCIL SEAT 3, AND CONFIRMING THE SUBMITTAL TO THE TOWN'S ELECTORATE OF A CHARTER AMENDMENT REFERENDUM AND BOND REFERENDUM FOR THE SAME ELECTION, TO OCCUR IN CONJUNCTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION FOR COUNCILMEMBER SEATS 2 AND 4 ON MARCH 12, 2019; SETTING THE QUALIFYING PERIOD FOR SEAT 3; PROVIDING THAT THE TOWN MANAGER AND TOWN ATTORNEY SHALL TAKE ALL ACTIONS NECESSARY AND REQUIRED FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Kane inquired if she would be required to recuse herself from discussion and voting on this Ordinance as it relates to filling the vacancy on Seat

3 that she was recently appointed to.

Town Attorney Cirullo advised that no recusal was necessary by Council Member Kane.

Motion: a motion was made by Vice Mayor McLendon to adopt Ordinance No. 2018-14 on first reading. Council Member Maniglia seconded the motion. Motion passed, 5/0.

2. Final Reading of Ordinance No. 2018-15 Amending Election Qualifying Dates for March 2019 Election

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2017- 17 REGARDING QUALIFYING DATES SET FORTH IN SECTION 3(3)(D)

OF THE TOWN'S CHARTER ELECTIONS PURSUANT TO SECTIONS 100.3605 AND 166.021, FLORIDA STATUTES, RELATIVE TO QUALIFYING PERIODS IN YEARS IN WHICH THE FIRST TUESDAY IN JANUARY IS JANUARY 1; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney advised that the qualification for the upcoming Election will begin at noon on Wednesday, January 2, and end at noon on Wednesday, January 9, 2019.

Motion: a motion was made by Vice Mayor McLendon to adopt Ordinance No. 2018-15 on Second reading, and was seconded by Council Member Maniglia. Motion passed, 4/0.

3. RESOLUTIONS

1. Adoption of Resolution No. 2018-89 Announcing Election and Qualifying for March 2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 2, SEAT 3, AND SEAT 4, PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 12, 2019, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 2, 2019 AND CLOSES PROMPTLY AT 12:00 NOON ON JANUARY 9, 2019; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6094; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS

FOR ELECTION SERVICES; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo advised that the dates to qualify will begin on Wednesday, January 2, 2019 at noon, and will end on Wednesday, January 9, 2019 at noon for Seat 2, Seat 4, and to fill the balance of the term for Seat 3.

Upon question by Town Council relative SOE Agreement, Section F. Absentee Voting, (2)(b) that did not include requesting absentee ballots by internet, Town Attorney Cirullo was instructed to contact the Supervisor of Elections about this concern.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Maniglia to adopt Resolution No. 2018-89 setting the March 12 Election, identifying Seats 2, 3, and 4, setting the filing period beginning on noon, January 2, 2019, and ending at noon January 9, 2019, setting filing fees, authorizing Town Clerk to appoint Election Boards, authorizing the approval of the Agreement with the Supervisor of Elections to conduct the Town Election, authorizing the Town Clerk or designee to handle certain election matters, and opting out of early voting.

Following discussion with respect to the date change for the March Town Council meeting, the Council requested that the previous motion be amended to include the change of the March Town Council Meeting.

Motion: Vice Mayor McLendon amended his previous motion to include the change for the March Town Council Meeting to Tuesday, March 19, and Council Member Maniglia seconded the amended motion to include the meeting date change. Motion passed, 5/0.

2. Adoption of Resolution No. 2018-90 Appointment of Canvassing Board for March 2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE SUPERVISOR OF ELECTIONS, OR HER DESIGNEE, ALONG WITH THE TOWN CLERK, AND A TOWN RESIDENT, TO SERVE AS THE TOWN'S CANVASSING BOARD, INCLUDING ATTENDANCE FOR THE TESTING OF THE ELECTRONIC SYSTEMS AUTOMATIC TABULATION EQUIPMENT, TO CANVASS THE MUNICIPAL ELECTION, AND TO CERTIFY THE ELECTION RESULTS FOR THE TOWN'S MARCH 12, 2019 MUNICIPAL ELECTION, AND ANY RUN-OFF ELECTION, PURSUANT TO THE TOWN CHARTER AND STATE LAW; PROVIDING FOR MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Maniglia asked if a change could be made in the event that there was a change in the Town Clerk prior to the March 12, 2019 election.

Town Attorney Cirullo advised that a new Resolution would have to be adopted by the Town Council to reflect such change.

Motion: a motion to adopt Resolution No. 2018-90 appointing the Town Clerk Virginia Walton, Town Resident William Ford, and Supervisor of Elections Susan Bucher to serve as the Town's Canvassing Board was made by Vice Mayor McLendon, and seconded by Council Member Mangilia. Motion passed, 5/0.

3. Adoption of Resolution No. 2018- 95 Transmitting Ballot Language to Supervisor of Elections

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR TWO QUESTIONS TO BE PLACED ON THE BALLOT FOR THE MARCH 12, 2019 MUNICIPAL GENERAL ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member DeMarois questioned why the 50/50 cost sharing was not included in the language of the second referendum question. Town Attorney Cirullo reminded the Council about the limitation in the language for the question.

Vice Mayor McLendon advised the Town Council to consider adopting the Resolution that identifies the Town's intent, and then incorporate the cost sharing as part educational information to the public.

Motion: Council Member Mangilia moved to adopt Resolution No. 2018-95, and seconded by Vice Mayor McLendon. Motion passed, 5/0.

4. Adoption of Resolution No. 2018-96 -Approval of Intake Pump Soft Start Repair

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE PROPOSAL OF SULLIVAN ELECTRIC & PUMP, INC., TO REPAIR THE SOUTHERN BOULEVARD TRANSFER PUMP IN THE AMOUNT OF \$8,723.04 AND AUTHORIZING THE TOWN MANAGER TO ACCEPT THE PROPOSAL FOR THE REPAIRS; PROVIDING FOR AN EFFECTIVE DATE.

Following discussion relative costs and changes to the soft start quotes and costs, the Town Council unanimously agreed to defer this matter until the next regular meeting.

4. NEW BUSINESS

1. Discussion and Action on Legislative Appropriation Requests

Town Lobbyist Mary Nicholas provided the Town Council with a list of Legislative requests, and other appropriation requests for the purpose of obtaining input and prioritizing from the Town Council based on her meetings with each of the Town Council as follows:

1. Roads

- D Road – Costs for Water & Sewer that includes completed design and engineering - \$3,686.697
- D Road – possibilities for phased in approaches
- North B Road – emergency situation during the past year)
- Culverts at Bridges – public safety issue
- North Folsom Road – just north of Okeechobee Blvd.

2. Equestrian/Multi-Use Trails

- Previous Grant
- New Grant, Cooperative effort with J. Fleishmann to apply to FL Department of Environmental Protection

3. Water

- Aquifer Recharge Ideas

4. Other topics

Council Member Kane asked about the other surface materials available regarding road improvements.

Council Member DeMarois suggested that the State may want a specific product be used if they would be providing funding.

Council Member Maniglia advised that she would like to look into new technology.

McNicholas advised Town priorities need to be identified, and suggested that Aquifer recharge may want to be included as part of the priorities.

Council Member DeMarois advised that culvert bridges are needed and should be included as well.

Council Member Kane would like to focus on Trail grants as the Town had previously submitted a grant but were denied as they did not have ownership of the land at that time. She reminded the Council that the District purchased the land from Southern Land & Timber, and that surveys have been completed on those canal berms.

Vice Mayor McLendon and Member DeMarois both stated that it was their understanding that grants are not done by legislative appropriation. McNicholas advised

that can also both apply for grants as well as requesting legislative funds for projects. Council Member Maniglia questioned why North Folsom should be a priority rather than Collecting Canal Road. McNicholas advised that the list incorporated those projects identified by Council Members from the meetings she had with each Council Member.

Vice Mayor McLendon suggested removing from the priorities list Culvert Bridges, and North Folsom Road, and adding Collecting Canal Road.

Council Member Maniglia also inquired why Collecting Canal Road and 6th Court North are not one way roads.

Council Member Kane suggested that paving and drainage estimates for Collecting Canal Road and D Road will need engineering estimates if they will be considering for funding requests.

Vice Mayor McLendon suggested that D Road from Southern Blvd. to Collecting Canal, D Road from Collecting Canal to Okeechobee Blvd, and North B Road be considered.

Mayor Browning advised that there are not enough residents on D Road for the Palm Beach County consideration of water line installations.

With respect to the Aquifer Recharge, Mayor Browning advised that gates will be needed at north end of Town for proper containment on North end, along with the right plants to filter waters within the canal system.

Council Member Maniglia inquired about Florida Department of Transportation's work along Tangerine, and use of the millings when start the expansion of Southern Blvd.

Additional funding options suggested were improvement to D Road from Southern to Okeechobee, conceptual engineering costs for design and drainage plans for Collecting Canal Road, and rock material for North B Road.

Guisele – Collecting Canal Road

Suggested the Town consider trails at E Road and Collecting Canal Road, but suggested blocked recycle surfaces for roads as dust contains silicon that has detrimental effects to people, and horses.

With respect to Trails, the Council was advised governmental agencies can provide grant fundings such as for horse crossings at Okeechobee and B Road, and Okeechobee and F Road. The Council was also advised that the engineering for those two horse crossings has been completed by the Town.

With respect to design grants, the Town Council that the Town can apply for grant funding for the design of Okeechobee Boulevard, with the Florida Department of Environmental Protection.

Motion: a motion was made by Council Member Maniglia, and seconded by Council Member Kane to authorize the Town's Planner, Land Research Management to work with Geoffrey B. Sluggett & Associates on grants for trails and design. Motion passed, 5/0.

Motion: a motion was made by Council Member Maniglia, and seconded by Council Member Kane to have Sluggett move forward on Aquifer Recharge as previously discussed to include culvert gates and Palm Beach County culverts at the intersections of lettered roads and Okeechobee Blvd. Motion passed, 5/0.

5. PUBLIC COMMENTS

Marianne Miles, North B Road, inquired why D Road funding should be considered as a priority as there has been no activity by the residents on that road to petition for improvement. She advised the Town Council that any funding should be split by roads that have petitions already in place, and additional assessment agreed to by the new Sod Farm on North road should be set aside for road paving.

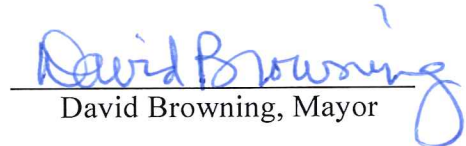
Council Member Maniglia agreed with the recommendations and suggestions made by Mrs. Miles.

Simon Fernandez, North D Road, reminded the Town Council that the High School shooting in Broward County last year impacted the State on funding requests made during the legislative session last year. He also recommended that the Town incorporate parks into the Trails.

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 7:10 pm.



Acting Town Clerk



David Browning, Mayor

These minutes were approved by Town Council on Tuesday February 5, 2019.